



Attorney's Docket No. 56773 (70868)

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: M. Nishikawa

U.S.S.N.: 10/004,641 Examiner: Ortiz Criado, Jorge L.

Filed: December 5, 2001 Group: 2655

For: OPTICAL PICKUP APPARATUS

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**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 (Express Mail Label No: EV 519064514 US), and is addressed to Mail Stop: AMENDMENT, Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 on November 18, 2004

By

*Judy Daley*  
Judy Daley

Mail Stop: AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. **LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION**

The patents, publications or other information submitted for consideration by the Office are listed on Form PTO-1449, attached hereto.

II. COPIES

- a.   X   Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b.        This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No.       , filed on       . The following references were submitted to, and/or cited by, the Office in the prior application (s) and, therefore, are not required to be provided in this application.

III. CONCISE EXPLANATION OF THE RELEVANCE  
(check at least one box)

- a.        Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
- b.   X   A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:

See English language Abstract attached to the document BA cited and provided herewith.  
Note: Items BB – BF are referred to in the enclosed Japanese Office Action and are listed in the attached Form PTO-1449 only for the purpose of complete recognition of the art cited in the enclosed Japanese Office Action. Documents BB – BF, however, were cited in an Information Disclosure Statement previously filed in this application on July 21, 2004. Therefore, copies of documents BB - BF are not enclosed with this Information Disclosure Statement.

- c.   X   The following additional information is provided for the Examiner's consideration:

The Japanese Office Action, dated October 5, 2004 enclosed is in the Japanese language and was issued in the corresponding to Japanese Application No. 2000-369664 (i.e., the Japanese Office Action referred to above).

FEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)  
(check one box)

- a.        within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1). No fee or certification is required.
- b.        within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2). No fee or certification is required.

- c. \_\_\_\_\_ Before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):  
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a. \_\_\_\_\_ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

**OR**

- b.   X   See the certification below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a.   X   item BA listed in the attached Form PTO-1449 and provided herewith was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. \_\_\_\_\_ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

c. \_\_\_\_\_

Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

\_\_\_\_\_ Please charge Deposit Account No. 04-1105 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.

\_\_\_\_\_ The required fee in the amount of \$180.00 is enclosed

  X   No fee is required.

  X   Applicant believes that additional fees beyond those submitted herewith are not required in connection with the consideration of this submission. However, if for any reason a further fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

If the Examiner has any questions concerning this Information Disclosure Statement, he/she is requested to contact the undersigned. If it is determined that this Information Disclosure Statement has been filed under the wrong rule, the United States Patent and Trademark Office is requested to consider this Information Disclosure Statement under the proper rule, with a petition if necessary, and to charge the appropriate fee to Deposit Account No. **04-1105**.

Respectfully submitted,

Date: November 18, 2004

David A. Tucker  
SIGNATURE OF PRACTITIONER

Reg. No.: 27,840

David A. Tucker  
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FORM PTO-1449

INFORMATION DISCLOSURE  
STATEMENT

DOCKET NO:

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SERIAL NO.:

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APPLICANT(S): M. Nishikawa

FILING DATE:

December 5, 2001

GROUP NO.:

2655

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## UNITED STATES PATENT DOCUMENTS

EXAM. INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO
	BA	2000-030290	01/28/2000	JAPAN			Abstract
	BB	4219627	08/10/1992	JAPAN			Previously Cited July 21, 2004
	BC	5-266511	10/15/1993	JAPAN			Previously Cited July 21, 2004
	BD	8-212579	08/20/1996	JAPAN			Previously Cited July 21, 2004
	BE	10-40566	02/13/1998	JAPAN			Previously Cited July 21, 2004
	BF	11-110794	04/23/1999	JAPAN			Previously Cited July 21, 2004

## OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

	CA	
EXAMINER:		DATE: